

**Resolution Agreement
Raytown C-2 School District
OCR Case Number 07-16-1026**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Raytown C-2 School District (District), Raytown, Missouri, enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrong-doing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions:

1. Within sixty (60) days of this agreement, the District agrees to review and revise Board Policy KK, *Visitors to District Property/Events*, subsection *Observations During Instructional Time* as follows:
 - a. Specify that all parents may request classroom observations, regardless of what program or classroom their child is in;
 - b. Indicate that any parent requesting an observation should submit a request in writing to the building principal;
 - c. Detail the factors the District will consider in assessing all parental requests for classroom observation;
 - d. Specify that the determination of the time, place and manner of the classroom observation will be made on a case-by-case basis by the building principal; and
 - e. Specify that schools in the District must process observation requests in a manner consistent with the requirements of Board Policy KK.

REPORTING REQUIREMENT: Within sixty-five (65) days of the date of this agreement, the District will submit a copy of the revised Board Policy to OCR for review and approval.

2. Within sixty (60) days of receiving OCR approval of its revised Board Policy, the Board will approve the revised policy, and within ten (10) days thereafter, the District will disseminate the revised Board Policy to all students, parents and employees by

prominently including the revised Board Policy in the District's published Board Policies. The District may meet this requirement either by including appropriate inserts in existing hardcopy materials and publications, by revising and reprinting the materials and publications, and/or by updating the electronic version of the Board Policies.

REPORTING REQUIREMENT: Within seventy (70) days after OCR notifies the District in writing that it has approved the revised Board Policy, the District will submit to OCR documentation showing completion of the activities described in this section.

3. Within thirty (30) days of this agreement, the District agrees to confirm in writing that it discontinued use of the internal guidance entitled *Self-Contained Classroom Observations from Parents/Guardians* and shall distribute a written reminder to District officials and staff who have received or had access to the guidance that it is no longer in use by the District.

REPORTING REQUIREMENT: Within forty-five (45) days of the date of this agreement, the District will submit a copy of the notice described in this section to OCR for review and approval.

4. No later than August 31, 2018, the District shall distribute notice regarding the changes to the District's classroom observation policies to District officials and staff involved in the decision making process when a request for classroom observation is made. The notice will specifically state that schools are not permitted to develop, adopt or utilize internal school guidance or policies that alter, supplement or supplant Board Policy KK, without Board approval. The notice will also detail methods by which the District may structure a parent's classroom observation in order to minimize their distractions to other students, while still allowing parents to observe the students in their regular classroom settings. The notice will specify a District administrator who may be contacted if District officials or staff believe that a request for observation implicates other students' confidentiality rights under state or federal law.

REPORTING REQUIREMENT: Within forty-five (45) days of the date of this agreement, the District will submit a copy of the notice described in this section to OCR for review and approval.

5. No later than August 31, 2018, the District will provide training on the subject of District's revised Board Policy and the notice described in the previous paragraph to District officials and staff involved in the decision making process when a request for classroom observation is made. The training will be conducted by an individual(s) knowledgeable about the revised Board Policy and the ways in which it differs from the prior Board Policy. The training may be conducted in person or electronically.

REPORTING REQUIREMENT: Within fifteen (15) days after the training described in item three (3) takes place, the District will provide documentation

to OCR showing it has completed the training. The documentation must identify the:

- Date, time, and location or means of the training;
 - Topics addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training);
 - Name(s), title(s), and credentials of the individual(s) who conducted the training; and
 - A sign-in sheet containing the name, title, signature or digital equivalent, and work location of each employee who completes the training.
6. For the academic semester (excluding summer school) beginning after the date OCR notifies the District in writing that it has approved the revised Board Policy, the District agrees to log detailed information pertaining to certain parental classroom observations. The detailed logging requirements set forth in this paragraph apply only to parental requests for observation for which the student requested to be observed has either an Individualized Education Program (IEP) or a Section 504 Plan, and which request is either denied or approved subject to terms, conditions, or limitations contradictory to the parent's request. For such requests and observations, the following detailed information will be logged:
- a. Date of the request and copy of the written request;
 - b. Name and phone number of the parent requesting the observation;
 - c. Name of the student to be observed;
 - d. The student's disability classification and classroom setting;
 - e. Name of the individual who responded to the parent's request;
 - f. Description of the factors considered in assessing the parent's request;
 - g. Indication of whether the observation was granted or denied;
 - h. If the observation was granted, a description of how the observation was structured (e.g. parent sat at the back of the classroom, parent observed through a window, etc.);
 - i. If the observation was denied, the reasons for the denial; and
 - j. A copy of the written notification to the parent of the denial.

The District may meet this requirement by providing OCR with logs from its Student Information System (SIS), however the District must ensure that information responsive to each of the items listed in (a) – (j) of this section is included in the SIS logs.

The detailed logging requirements set forth above do not apply to requests to observe students who do not have an IEP or Section 504 Plan, or requests that are unconditionally approved. Such requests may continue to be logged with the existing

level of detail through the parent contact log in SIS. The District will specifically add “Observation” as a menu item in the drop down box for ease of OCR review.

REPORTING REQUIREMENT: Within thirty (30) days after the termination of the academic semester described in this section, the District will submit a copy of all the classroom observation request logs to OCR for review.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. § 104.21, § 104.22, and § 104.23 and the regulation implementing Title II at 28 C.F.R. § 35.149, § 35.150, and § 35.151, which was at issue in this case.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement and that all actions taken to comply with the requirements of the Agreement are subject to OCR’s review and approval. OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. § 104.21, § 104.22, and § 104.23 and the regulation implementing Title II at 28 C.F.R. § 35.149, § 35.150, and § 35.151, which was at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.


For the District

3/12/18
Date